1 2 3 4 5 6 7	STIP DAYLE ELIESON United States Attorney DANIEL SCHIESS Assistant United States Attorney 501 Las Vegas Blvd., South, Ste. 1100 Las Vegas, Nevada 89101 (702) 388-6504 / Fax: (702) 388-6418 DSchiess@usa.doj.gov Attorney for the United States		
8	Theorney for the Office States		
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11	DISTRICT OF NEVADA		
12	UNITED STATES OF AMERICA,) 2:17-CR-00316-RFB-CWH		
13	Plaintiff, STIPULATION/AGREED MOTION		
14) TO CONTINUE MOTION SERGIO BARAJAS, DEADLINES AND RULE 16		
15	ALAN CASSELL, ELENA MILLNER DEADLINE SET BY THE COURT		
16	BENJAMIN STUELKE,		
17	MICHELLE ACOSTA,) ART ACOSTA, and)		
18	ERNESTO GARCIA		
19)		
20	Defendants.		
21)		
22	IT IS HEREBY STIPULATED and AGREED by and between the United		
23			
24	States of America, by and through DANIEL SCHIESS, Assistant United States		
25	Attorney, and defendant SERGIO BARAJAS, by and through his counsel, Russell		
26	Marsh, Esq., defendant ALAN CASSELL, by and through his counsel, David		
27	Brown, Esq., defendant ELENA MILLNER, by and through her counsel Peter		
28	Christiansen, Esq., defendant BENJAMIN STUELKE, by and through his counsel		

Michael Nasatir, Esq., defendant MICHELLE ACOSTA, by and through her counsel, Richard Anderson, Esq., defendant ART ACOSTA, by and through his counsel Nolan King, Esq., and defendant ERNESTO GARCIA, by and through his counsel, Dean Steward, Esq., to respectfully request that the Court order that the parties shall have to and including July 1, 2018 to comply with Federal Rule of Criminal Procedure 16 disclosure.

IT IS FURTHER STIPULATED AND AGREED by and between the parties, to respectfully request that the Court order that they shall have to and including August 1, 2018, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED by and between the parties, to respectfully request that the Court order that they shall have to and including August 15, 2018, to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED by and between the parties, to respectfully request that the Court order that they shall have to and including is August 22, 2018 to file any and all replies to dispositive motions.

This stipulation is entered into for the following reasons:

1. The United States' position is that it has complied with Rule 16 in that it has made available to the defendants for inspection, copying, or photographing the items detailed for disclosure under the rule. Counsel for the defendants requested that the United States provide them with a copy of discovery, and the United States has agreed to do so as a courtesy.

- 2. The discovery in this case is voluminous, such that the discovery must be moved to an offsite server location. This move will allow it to be viewable by defense counsel online.
- 3. Additionally, there are outstanding trial subpoenas that have been issued by the United States that have not yet been complied with, and the United States is still awaiting a response on those subpoenas. The United States will promptly provide defense counsel with said items upon receipt.
- 4. Counsel for defendants need additional time in order to review the voluminous discovery provided, and to comply with their disclosure requirements under Rule 16 as the United States had made a demand for reciprocal discovery. *See* ECF No. 50.
- A denial of this request for the additional time to comply could result in a miscarriage of justice.

Dated this 1st day of May 2018.

| <u>/s/ Lisa Cartier Giroux</u> | LISA CARTIER GIROUX | Assistant United States Attorney /s/ Russell Marsh RUSSELL MARSH, ESQ. Attorney for Sergio Barajas

/s/ David Brown
DAVID BROWN, ESQ.
Attorney for Alan Cassell

/s/ Peter Christiansen
PETER CHRISTIANSEN, ESQ.
Attorney for Elena Millner

/s/ Michael Nasatir MICHAEL NASATIR, ESQ. Attorney for Benjamin Stuelke

/s/ Richard Anderson RICHARD ANDERSON, ESQ. Attorney for Michelle Acosta

/s/ Nolan King NOLAN KING, ESQ. Attorney for Art Acosta

/s/ Dean Steward DEAN STEWARD, ESQ. Attorney for Ernesto Garcia

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2	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
3			
4 5	UNITED STATES OF AMERICA,)	2:17-CR-00316-RFB-CWH	
6	Plaintiff,)	ORDER	
7 8	SERGIO BARAJAS,) ALAN CASSELL,)		
9	ELENA MILLNER) BENJAMIN STUELKE,)		
10	MICHELLE ACOSTA, (
10	ART ACOSTA, and () ERNESTO GARCIA. ()		
'			
13	Defendant.)		
14	ODDUD		
15	<u>ORDER</u>		
16	IT IS THEREFORE ORDERED that the parties' disclosure under Federa		
17			
18	Rule of Criminal Procedure 16 shall be made by July 1, 2018. IT IS THEREFORE ORDERED that the parties herein shall have to a		
19			
20	including August 1, 2018, to file any and all pretrial motions and notice of defense.		
21	IT IS FURTHER ORDERED that the parties shall have to and including		
22	August 15, 2018, to file any all responses.		
23			
24	IT IS FURTHER ORDERED that the parties shall have to and including		
25	August 22, 2018, to file any and all replies.		
26	DATED this 1st of May, 2018.		
27			
28		CHARD F. BOULWARE, II ted States District Judge	